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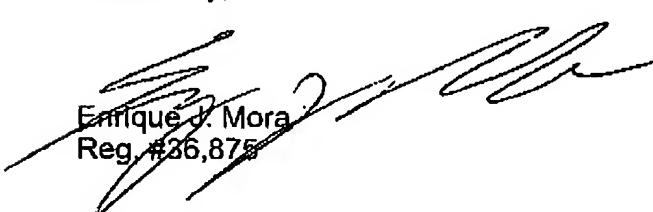
TO : Commissioner for Patents
COMPANY : USPTO
FAX No. : 1-571-273-8300
No of PAGES : 4 (including cover sheet)
FROM : Enrique J. Mora
DATE : July 19, 2005
RE : Serial Number 10/042,912
ATTY. DOCKET NO: 9D-EC-19746/064853-027

VIA FACSIMILE ONLY

Attached please find for entry into the above-referenced application:

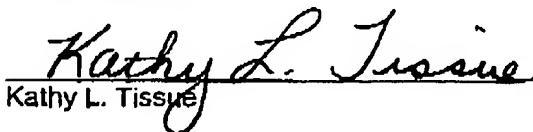
- 1) Response to Restriction Requirement with Certificate of Facsimile (3 pages).

Yours truly,


Enrique J. Mora
Reg. #36,875

Certificate of Transmission

I hereby certify that this correspondence is being
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In re: Application of:)	
Applicants: Timothy J. Smith)	Examiner: Not Yet Assigned
Serial No.: 10/042,912)	Group Art Unit: 3625
Filed: 01/11/2002)	Confirmation No.: 4769
Title: Internet-Based Method and System for Managing Order Updates for Delivery of Goods)	

Commissioner for Patents
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RESPONSE TO RESTRICTION REQUIREMENT

Applicant respectfully traverses the restriction requirement set forth in the Office Action dated June 20, 2005. It is noted at the outset that applicant is not challenging the Examiner's determination that the distinct subcombinations identified in that Office Action are patentable over each other.

The Office Action identifies two distinct sub-combinations in claims 1-8. Namely, claims 1-4 and 8 (directed to a method and system for managing delivery of goods from a supplier to a buyer) are identified as one sub-combination. Claims 5-7 (directed to a computer-readable medium for managing delivery of goods from a supplier to a buyer) are identified as the second subcombination. Each of the above subcombinations, as set forth in the Office Action, shares the same classification, class 705, subclass 26. Applicant submits that this piece-meal approach for examining this Application is not consistent with the PTO requirements as set forth in the M.P.E.P.

Applicant traverses on the grounds that the Examiner has not demonstrated that examination of such sub-combinations in this Application would impose a substantial burden on the PTO. In particular, the Examiner has failed to show any of the following:

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1) that there is a separate classification of the distinct species; 2) that a separate field of search would be required for the distinct species; or 3) that such species have achieved a separate status in the art, even though they are classified together. In fact, as noted above, the opposite is true being that each of the identified sub-combinations shares the same classification. Applicant believes that the examination of claims 1-8 in this patent application could be efficiently conducted at this stage without imposing any substantial burden on the PTO. Applicant respectfully quotes Section 803 of the M.P.E.P. that states "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions".

For the sake of expeditiously moving forward with the prosecution of the present application, applicant, without any prejudice, provisionally elects to prosecute the group of claims identified by the Examiner as Invention I. That is, the group of claims 1-4 and 8.

The Examiner is invited to call the undersigned attorney if there are any issues regarding this response that may be resolved via telephone conference.

Respectfully submitted,




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Application Serial No. 10/042,912
Response to Restriction
Attorney Docket No.: 9D-EC-19746/064853-027

CERTIFICATE OF FACSIMILE

I HEREBY CERTIFY that this Response To Restriction Requirement is being transmitted via Fax No. 571-273-8300 to Commissioner for Patents, MAIL STOP NON-FEE AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450 on the 19th day of July, 2005.


Kathy L. Tissue